

09/600566

533 Rec'd PCT/PTO 19 JUL 2000

Practitioner's Docket No. 2260/103**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application
 of _____ Inventor(s)
 for _____ Title of Invention

the specification of which is being transmitted herewith

OR

In re application of: Pflaum et al.

Int'l. Appl. No.: PCT/IB99/00808

Int'l. Filing Date: February 17, 1999

For: PROCESS FOR THE OBTAINING OF HMG-CoA REDUCTASE INHIBITORS OF HIGH PURITY

Assistant Commissioner for Patents
 Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10**

*(When using Express Mail, the Express Mail label number is mandatory,
 Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the ~~Assistant~~ Commissioner for Patents, Washington, D.C. 20231 XXXXXX

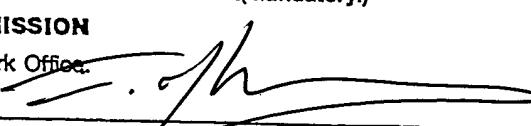
37 C.F.R. 1.8(a)

with sufficient postage as first class mail. as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory.) (EL543499879US)

TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office.



Signature

Date: 7/19/00Timothy M. Murphy

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Information Disclosure Statement [6-1]—page 1 of 2)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the ~~date~~ of a national application;
- (2) Within three months of the ~~date~~ of entry of the national stage as set forth in § 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last."

37 C.F.R. 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. Preliminary Statements
2. FORM PTO-1449 (PTO/SB/08A and 086)
3. Statement as to Information Not Found in Patents or Publications
4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. Cumulative Patents or Publications
6. Copies of Listed Information Items Accompanying This Statement
7. Concise Explanation of Non-English Language Listed Information Items
 - 7A. EPO Search Report
 - 7B. English Language Version of EPO Search Report
8. Translation(s) of Non-English Language Documents
9. Concise Explanation of English Language Listed Information Items (Optional)
10. Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections

, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

(Information Disclosure Statement [6-1]—page 2 of 2)

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."

NOTE: The wording in § 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Form PTO-1449 (PTO/SB/08A and 08B) accompany this information statement.

(complete the following, if applicable)

- Exception(s) to above:
 - Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
 - Cumulative patents or publications identified in Section 5.

(Information Disclosure Statement—Section 6. Copies of Listed Information Items Accompanying This Statement [6-1]—page 5 of 7)

Section 7A. Concise Explanation of Non-English Language Listed Information Items—EPO Search Report

The relevance with respect to the following citations listed on Form PTO-1449 (PTO/SB/08A and 08B):

is submitted on the basis of the accompanying:

(check the appropriate item)

- EPO search report that is in the English language,
- EPO search report that is not in the English language and that is accompanied also by an English language version of the EPO search report,

that issued on the corresponding European patent application.

(Information Disclosure Statement — Section. 7A. Concise Explanation of Non-English Language Listed Information Items [6-1]—page 6 of 2)

**Section 10. Identification of Person(s) Making THIS INFORMATION
DISCLOSURE STATEMENT**

09/600566

533 Rec'd PCT/PTO 19 JUL 2000

The person making this statement is

(check each applicable item)

(a) the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

(b) an individual associated with the filing and prosecution of this application (37 C.F.R. 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

(c) the attorney who signs below on the basis of the information:

(check each applicable item)

supplied by the inventor(s).
 supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. 1.56(c))
 in the attorney's file.


SIGNATURE OF PRACTITIONER

Timothy M. Murphy

(type or print name of practitioner)

BROMBERG & SUNSTEIN LLP

P.O. Address

125 Summer Street, Boston, MA 02110

(Information Disclosure Statement—Section 10. Identification of Person(s) Making This Information Disclosure Statement [6-1]—page 2 of 2)